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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

AUG 14 1996

Joel Gross, Chief
Environmental Enforcement Section
United States Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Re: Synkote Paint Company, Inc.

Dear Mr. Gross:

EPA Region II hereby withdraws the above-captioned proceeding referred to the Department of Justice on September 30, 1993. As agreed to by our staffs, several considerations, including the economic inviability of the Respondent, and the difficulties relating to the timing of the proposed action, require that this matter be withdrawn.

The Respondent, Synkote Paint Co. Inc., formerly located at 144-160 Van Riper Avenue, Elmwood Park, NJ, as of November 23, 1987, is no longer in business. An involuntary petition in bankruptcy was filed under Chapter 7 on March 15, 1985, and was dismissed on April 23, 1985. If The United States were to pursue and prevail in a suit against Synkote, we would likely be unable to collect any judgment we might win.

Property Concepts, Inc., took ownership of the Site by virtue of a sheriff's sale on April 1, 1988. EPA records do not reflect any activity by PCI at the Site, and the buildings at the Site remain unoccupied.

Representatives of the DOJ have tried repeatedly and without success to enter into a Consent Decree with the owner and sole employee of PCI, Mr. Kenneth Van Rye. It is my understanding that the Department is in agreement with EPA that this matter should not be pursued.

Given the above facts, EPA requests that DOJ return the materials referred to it, and further agrees that this matter be removed from the active docket.

Thank you for your assistance.

Sincerely,


Walter E. Mugdan
Acting Regional Counsel

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